

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY VILLAREAL,
Plaintiff,
v.
HERNANDEZ, *et al.*,
Defendants.

Case No. 1:22-cv-01376-NODJ-BAM (PC)

ORDER VACATING WRIT OF HABEAS
CORPUS AD TESTIFICANDUM TO
PRODUCE INMATE ANTHONY
VILLAREAL, CDCR #BD-4894
(ECF No. 26)

ORDER GRANTING MOTION TO
CONTINUE SETTLEMENT CONFERENCE
(ECF No. 28)

Date: February 20, 2024
Time: 11:00 a.m.

ORDER DIRECTING CLERK'S OFFICE TO
SERVE ORDER BY E-MAIL ON
LITIGATION COORDINATOR

A video settlement conference in this matter is currently scheduled on December 18, 2023, at 11:00 a.m. before Magistrate Judge Stanley A. Boone. (ECF No. 25.) On November 20, 2023, the Court issued a writ of habeas corpus ad testificandum directing the production of Plaintiff Anthony Villareal, inmate, CDCR #BD-4894, for the December 18, 2023 video settlement conference. (ECF No. 26.)

On December 6, 2023, Defendants filed a motion requesting that the settlement conference be continued by at least thirty days. (ECF No. 28.) Defendants state that they received notice from William Schmidt indicating that he intends to appear as counsel for Plaintiff, but is waiting for a representation contract to be signed and returned by Plaintiff. Defense

1 counsel and Mr. Schmidt agreed that at this stage of the case, a settlement conference may not be
2 productive, and Mr. Schmidt would need additional time to make an appearance and meet with
3 his client. Defendants therefore request that the settlement conference be moved by at least 30
4 days, to a date convenient for the Court, to allow Mr. Schmidt additional time to receive all
5 documents from Plaintiff and make an appearance, and for the parties to further meet and confer
6 and discuss attending a potential early settlement conference. (*Id.*)

7 Although Plaintiff has not had an opportunity to file a response, the Court finds a response
8 unnecessary. Furthermore, the Court finds good cause to reschedule the settlement conference.
9 The November 20, 2023 transportation writ for Plaintiff shall be vacated, and a transportation
10 writ for the rescheduled settlement conference will be issued, as necessary, in due course.

11 Accordingly, IT IS HEREBY ORDERED as follows:

- 12 1. The writ of habeas corpus ad testificandum directing the production of Anthony Villareal,
13 inmate, CDCR #BD-4894, issued on November 20, 2023, (ECF No. 26), is VACATED;
- 14 2. Defendants' motion to continue the settlement conference, (ECF No. 28), is GRANTED;
- 15 3. The video settlement conference will be continued to **February 20, 2024 at 11:00 a.m.**;
- 16 4. Counsel for all parties shall contact Courtroom Deputy, Jan Nguyen, at (559) 499-5672 or
17 jnguyen@caed.uscourts.gov for the video and dial-in information, including any necessary
18 passcodes, for all parties. Counsel for Defendants is also required to arrange for
19 Plaintiff's participation by contacting the Litigation Coordinator at the institution where
20 Plaintiff is housed and providing the necessary Zoom contact information; and
- 21 5. The Clerk's Office shall serve a courtesy copy of this order by e-mail on the Litigation
22 Coordinator at California Medical Facility.

23
24 IT IS SO ORDERED.

25 Dated: December 7, 2023

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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